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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,615	09/05/2003	Frank Sterns	20040-1-0220	8018

26135 7590 12/20/2005  
LOTT & FRIEDLAND, P.A.  
P.O. BOX 141098  
CORAL GABLES, FL 33114-1098

EXAMINER
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DABNEY, PHYLESHA LARVINIA

ART UNIT	PAPER NUMBER
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2646

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/656,615	STERN, FRANK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phylesha L. Dabney	2646	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/12/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to the response received on 12 September 2005 in which claims 1-23 are pending.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 6, 9, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Reich II (U.S. Patent No. 4,489,770).

Regarding claim 1, Reich teaches a loudspeaker assembly (figs. 1-5), comprising: a loudspeaker baffle (17, 17a), the baffle being provided with at least one opening (45, 45a) for audio wave output; and, at least one transducer (15) mounted to the baffle such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle.

Regarding claim 6, Reich teaches an outdoor loudspeaker assembly (figs. 1-5), comprising: a loudspeaker baffle (17, 17a), the baffle being provided with at least one opening (45, 45a) for audio wave output; and, at least one transducer (15) mounted to the baffle such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle.

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Regarding claim 9, Reich teaches a loudspeaker assembly (figs. 1-5), comprising: a loudspeaker baffle (17, 17a), the baffle being provided with at least one opening (45, 45a) for audio wave output; a flange (55, 55a) which reads on the wall of the bag for holding a speaker, the flange (55, 55a) being recessed the same distance as the baffle's surface thickness which reads on the flange directly abutting against the baffle (figs. 4-5); and, at least one transducer (15) mounted to the baffle by the flange such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle.

Regarding claim 14, Reich teaches a loudspeaker assembly (figs. 1-5), comprising: a loudspeaker baffle (17, 17a), the baffle being provided with at least one opening (45, 45a) for audio wave output; a flange (55, 55a) which reads on the wall of the bag for holding a speaker, the flange (55, 55a) being recessed the same distance as the baffle's surface thickness which reads on the flange directly abutting against the baffle (figs. 4-5); and, at least one transducer (15) mounted to the baffle by the flange such that the outermost point of the transducer is substantially flush with the baffle's surface.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 2-5, 7-8, 10-13, and 15-19, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reich II.

Regarding claims 2-3, 7-8, 10-11, 15-16, Reich does not teach the assembly is provided with a natural rock or natural wood appearance. However, Reich teaches the assembly being a waterproof bag. It is known in the art to colorize and style bags in any form, such as a red, yellow, wood, or rock coloring, for aesthetic appeal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to colorize the invention of Reich in any coloring and/or style for aesthetic appeal.

Regarding claims 4-5, 12-13, 17-18, and 22-23 Reich teaches the assembly is useable in an outdoor environment (sailing or windsurfing; col. 1 lines 37-42).

3. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reich II in view of Fulcher (U.S. Patent No. 5,802,197).

Regarding claim 19, Reich teaches a loudspeaker assembly, comprising: a loudspeaker baffle (17, 17a), the baffle being provided with at least one opening (45, 45a) for audio wave output; a grille configuration (fig. 4, 47); a flange (55, 55a) attached to the baffle; and, at least one transducer (15) mounted to the baffle by the flange such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle and the frame.

Reich does not specifically teach how the grille configuration is formed or what kind of interface the frame (47) provides for attaching a grille to the baffle (fig. 4). Fulcher teaches forming a grille configuration of a grille (14) and grille frame (12) to stable protect the

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loudspeaker. Therefore, it would have been one of ordinary skill in the art at the time the invention was made to use the grille configuration of Fulcher in the invention of Reich for providing stable protection.

Regarding claims 20-21, the combination of Reich and Fulcher does not teach the assembly is provided with a natural rock or natural wood appearance. However, Reich teaches the assembly being a waterproof bag. It is known in the art to colorize and style bags in any form, such as a red, yellow, wood, or rock coloring, for aesthetic appeal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to colorize the invention of Reich in any coloring and/or style for aesthetic appeal.

#### ***Response to Arguments***

4. Applicant's arguments with respect to the rejection(s) of claim(s) 1-23 under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Reich II.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kieltyka (U.S. Patent No. 5,802,193) teaches an outdoor loudspeaker assembly (fig. 1), comprising: a loudspeaker baffle (46), the baffle being provided with at least one opening for

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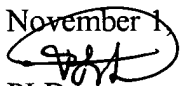
audio wave output; and, at least one transducer (32) mounted to the baffle such that the audio waves emanating from a mounted transducer avoid being distorted by the baffle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 1, 2005

  
PLD

  
**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**